

Appl. No. : 10/004,543
Filed : December 4, 2001

10. (New) A telecommunications enabled eyeglass as in Claim 2, wherein none of the telecommunications receiver, telecommunications transmitter, power supply, and first earphone are mounted within the wearer's field of view when the support is carried by the head of the wearer such that the first lens orbital is positioned in the wearer's field of view.

COMMENTS

In response to the Office Action dated December 31, 2002, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Rickards Does Not Anticipate The Eyeglass of Claims 2 – 10

Claims 2 and 5 – 9 stand rejected as being clearly anticipated by U.S. Patent No. 5,717,479, issued to Rickards ("Rickards") and Claims 3 and 4 stand rejected as being obvious in light of Rickards and the knowledge of one of ordinary skill in the art. Applicants respectfully traverse these rejections. However, in order to expedite prosecution of the present application, Applicants have amended Claim 2. Applicants respectfully reserve the right to further prosecute original Claims 2-9 through continuation practice.

Rickards teaches an eyeglass having a battery pack 90 clearly positioned within the wearer's field of view. Notably, Rickards discloses side eye panels 50 "which are preferably formed of **transparent**, shatter proof." See col. 6, lines 20-22 (emphasis added). Figure 1 of Rickards reveals that the battery pack 90 is within the same field of view as the side eye panels 50. Further, nothing in Rickards suggests locating the telecommunications receiver, transmitter, and power supply outside the view of the wearer.

In contrast, Claim 2 recites that the telecommunications receiver, transmitter, and power supply are each out of the wearer's field of view. Thus, Claim 2 as amended, is not anticipated nor obvious in view of Rickards because that reference does not teach or suggest all of the claim limitations. Additionally, Claims 3-10 also define over the Rickards reference, not only because they depend from Claim 2, but also in their own merit.

Applicants would also like to point out that new Claim 10 is fully supported by the specification as originally filed, and thus no new matter has been introduced.

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CONCLUSION

The undersigned has made a good faith effort to respond to all the rejections in the case and to place the claims into condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to solve such issue promptly.

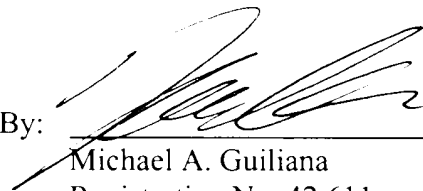
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

3/27/01

By: _____



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